

CHARLES O. THOMPSON, SB# 139841

E-Mail: thompsonc@lbbslaw.com

JEMMA A. PARKER, SB#227962

E-Mail: parkerj@lbbslaw.com

LEWIS BRISBOIS BISGAARD & SMITH LLP

One Sansome Street

Suite 1400

San Francisco, California 94104

Telephone: (415) 362-2580

Facsimile: (415) 434-0882

Attorneys for Defendants Sainte Claire Hotel, LLC and
Larkspur Hotels, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

JEAN RIKER,

Plaintiff,

v.

SAINTE CLAIRE HOTEL, LLC;
LARKSPUR HOTELS, LLC; IL
FORNAIO (AMERICA)
CORPORATION; and DOES 1-25,
Inclusive,

Defendants.

CASE NO. C08-01547 RMW

DEFENDANTS SAINTE CLAIRE HOTEL,
LLC AND LARKSPUR HOTELS, LLC'S
RULE 26 INITIAL DISCLOSURES

Defendants SAINTE CLAIRE HOTEL, LLC and LARKSPUR HOTELS, LLC

(collectively "defendants") hereby make the following initial disclosures pursuant to Federal Rules of Civil Procedure, Rule 26(a)(1):

A. WITNESSES

The name, address and telephone number of each person likely to have discoverable information which defendants may use to support their defenses to plaintiff JEAN RIKER's claims are:

1. Jean Riker, PLAINTIFF
C/O Sid Cohen, Esq.
427 Grand Avenue
Oakland, CA 94610;

///

2. Person Most Knowledgeable regarding Management and Accessibility at Il Fornaio Restaurants Il Fornaio (America) Corporation & Designated Representatives, DEFENDANT
C/O Donald Drummond, Esq.
One California Street, Suite 300
San Francisco, CA 94111;
 3. Jim Hansen, Sainte Claire Hotels, LLC, Executive Vice President, DEFENDANT
C/O Jemma Parker, Lewis Brisbois Bisgaard & Smith, LLP
One Sansome Street, Suite 1400
San Francisco, CA 94117;
 4. Lisa Reidel, Sainte Claire Hotels, LLC, General Manager, DEFENDANT;
C/O Jemma Parker, Lewis Brisbois Bisgaard & Smith, LLP
One Sansome Street, Suite 1400
San Francisco, CA 94117;
 5. Kim Blackseth, Expert
Kim R. Blackseth Interests, Inc.
310 17th Street
Oakland, CA 94612;
 6. Jackie Tinetta; witness
C/O Sid Cohen, Esq.
427 Grand Avenue
Oakland, CA 94610.
 7. Other representatives of defendant Sainte Claire Hotels, LLC, to be determined;
 8. Other representatives of defendant Larkspur Hotels, LLC, to be determined;
 9. Other representatives of defendant Il Fornaio America Corporation, to be determined; and
 10. Other expert(s) to be determined.
- Defendants reserve the right to use expert testimony at trial.
- Defendants reserve the right to amend, modify and supplement this list of witnesses.
- Defendants reserve the right to identify and call as witnesses each person identified by plaintiff and/or any other parties in this action.
- Defendants' investigation and discovery in this action are continuing and Defendants reserve the right to amend, modify and supplement these disclosures as they may deem necessary and appropriate based on their discovery of additional information.

///

///

1 **B. DOCUMENTS**

2 Defendants will produce all relevant, non-privileged documents in their possession
3 related to accessibility and plaintiff, any or all of which may be relied upon to support their
4 defenses to plaintiff's claims, including but not limited to:

- 5 1. Redacted lease agreement between Defendants and Il Fornaio America;
6 2. Future accessibility reporting by expert Kim Blackseth;
7 3. Photographs of pertinent areas within the Sainte Claire Hotel and Il Fornaio
8 restaurant;
9 4. Possible architectural and engineering drawings, possible plans and schematics of
10 the Sainte Claire Hotel and Il Fornaio Restaurant;
11 5. Any and all correspondence or writings between defendants and the other parties to
12 the action; and
13 6. Correspondence or writings between defendant and contractors who have worked on
14 the premises at issue.

15 Defendants reserve the right to augment, amend, modify and supplement this list of
16 documents.

17 Defendants reserve the right to offer and use as evidence all documents identified and
18 disclosed by plaintiff and/or any other parties in this action.

19 Defendants' investigation and discovery in this action are continuing and they reserve the
20 right to augment, amend, modify and supplement these disclosures as they may deem necessary
21 and appropriate based on their discovery of additional information.

22 **C. COMPUTATION OF DAMAGES**

23 Defendants herewith disclose the following computation of damages:

24 Not applicable. Defendants reserves the right to claim attorney fees and costs, if such fees
25 and costs later become applicable.

26 **D. INSURANCE AGREEMENTS**

27 Defendants will produce the relevant policy of insurance, pursuant to Federal
28 Rule of Civil Procedure 34.

1 In providing the disclosures herein, defendants have complied with the Initial Disclosure
2 requirements of Federal Rules of Civil Procedure, Rule 26(a)(1).

3 DATED: June 16, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

4
5
6 By


Jenima A. Parker

Attorneys for Defendants Sainte Claire Hotel,
LLC, and Larkspur Hotels, LLC

LEWIS BRISBOIS BISGAARD & SMITH LLP

ONE SANSOME STREET, SUITE 1400
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 362-2580

FEDERAL COURT PROOF OF SERVICE

Jean Riker v. Sainte Claire Hotel, LLC - File No. C08-01547 RMW

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On June 16, 2008, I served the following document(s): **DEFENDANTS SAINTE CLAIRE HOTEL, LLC'S RULE 26 INITIAL DISCLOSURES**

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Sidney J. Cohen, Esq.
Sidney J. Cohen Professional Corporation
427 Grand Avenue
Oakland, CA 94610
Telephone: (510) 893-6682
Facsimile: (510) 893-9450
Attorney for Plaintiff

The documents were served by the following means:

- ☐ (BY FAX TRANSMISSION) Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax machine that I used. A copy of the record of the fax transmission containing the time, date, and sending fax machine telephone number, which I printed out, is attached.
- ☐ (BY U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and I deposited the sealed envelope or package with the U.S. Postal Service, with the postage fully prepaid.
- ☐ (BY OVERNIGHT DELIVERY) Based on an agreement of the parties to accept service by overnight delivery, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope or package for collection and delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☐ (BY PERSONAL SERVICE) I personally delivered the documents to the persons at the addresses listed above. Delivery was made [X] to the party or attorney listed above, or [] at the party or attorney's office by leaving the documents in an envelope or package clearly labeled to identify the party or attorney being served with a receptionist or individual apparently in charge of the office, or [] at the time of delivery, there appeared to be no one in charge, and the envelope of package clearly labeled to identify the party or attorney being served was left in a conspicuous place.
- ☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

1 I declare under penalty of perjury under the laws of the State of California that the above is
2 true and correct.

3 Executed on June 16, 2008, at San Francisco, California.

4 Nicole S. Block
5 Nicole S. Block

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LEWIS BRISBOIS BISGAARD & SMITH LLP

ONE SANSOME STREET, SUITE 1400
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 362-2580